

# **Exhibit 2**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DEMOCRACY NORTH CAROLINA; )  
NORTH CAROLINA BLACK ALLIANCE; )  
LEAGUE OF WOMEN VOTERS OF )  
NORTH CAROLINA, )  
                                  )  
                                 Plaintiffs, )  
                                  )  
vs.                            )Civil Action No.  
                                  )1:23CV00878-TDS-JEP  
ALAN HIRSCH, in his official )  
capacity as CHAIR OF THE STATE )  
BOARD OF ELECTIONS; JEFF )  
CAMERON III, in his official )  
capacity as SECRETARY OF THE )  
STATE BOARD OF ELECTIONS; )  
STACY EGGERS IV, in his )  
official capacity as MEMBER )  
OF THE STATE BOARD OF )  
ELECTIONS; KEVIN LEWIS, in his )  
official capacity as MEMBER OF )  
THE STATE BOARD OF ELECTIONS; )  
SIOBHAN O'DUFFY MILLEN, in her )  
official capacity as MEMBER OF )  
THE STATE BOARD OF ELECTIONS; )  
KAREN BRINSON BELL, in her )  
official capacity as EXECUTIVE )  
DIRECTOR OF THE STATE BOARD OF )  
ELECTIONS; NORTH CAROLINA )  
STATE BOARD OF ELECTIONS, )  
                                  )  
                                 Defendants. )  
                                  )/

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VIDEOTAPED DEPOSITION OF CLETA MITCHELL  
(Taken by Plaintiffs)  
Raleigh, North Carolina  
Wednesday, September 25th, 2024

Certified Stenographic Court Reporter  
Amy A. Brauser, RPR, RMR, CRR

1 not be saying of Ms. Mitchell, who has had a  
2 distinguished career in public service.

3 MR. DOCKTERMAN: Let's take our lunch  
4 break. It is now --

5 MS. HOLT: Gentlemen, if I may, I would  
6 just like to note Legislative Defendants'  
7 objection to getting outside of the scope of  
8 the record as well. Of course, I am not  
9 counsel for Ms. Mitchell, but we would like  
10 to note that for the record, please.

11 MR. DOCKTERMAN: Anybody else who is on  
12 here virtually want to say anything before we  
13 break for lunch?

14 THE WITNESS: I will say for the  
15 record, I would like to answer questions. I  
16 will be -- I will answer questions on  
17 same-day registration. I'm not going to  
18 discuss other areas of inquiry, other subject  
19 matters, because that's well beyond the scope  
20 of your litigation.

21 And I also -- I personally object to  
22 your assertion that I somehow influenced  
23 Senate Bill 747, which is -- you have no  
24 evidence to support that. It did not happen.  
25 You have no evidence to support that.

1 Davis is?

2 A. I do not.

3 Q. Okay. Do you know who Representative  
4 Grey Mills is? He's shown in the cc line.

5 A. I've heard them talk about him, but I  
6 don't know him.

7 Q. And when you say "them"?

8 A. Jim Womack.

9 Q. Jim Womack.

10 In the second paragraph, Mr. Womack  
11 begins:

12 Election law attorney, Cleta  
13 Mitchell, and I would welcome the  
14 opportunity to pop up to Raleigh to  
15 meet with you, Representative Warren,  
16 Representative Mills, and any other  
17 legislators to address the suite of  
18 proposed statutory changes we have  
19 submitted, all of which stem from our  
20 thorough review of the State  
21 statutes --

22 I think it means "statutes" although it  
23 says "statues." (Reading)

24 -- and documented experiences  
25 in the last two election cycles.

1                   Do you see that?

2       A.     I see that.

3       Q.     Did you review any State statutes with

4     or for Mr. Womack before March 11, 2023?

5       A.     I don't really think so, no. I think

6     maybe he might have sent me some things.

7       Q.     Okay.

8       A.     But . . .

9       Q.     Well, obviously, Mr. Womack's testified

10    to this, but I'm curious as to your recollection.

11    Do you recall --

12    A.     I don't recall. I don't recall that,

13    no.

14    Q.     Okay. Do you recall the offer to "pop

15    up to Raleigh"?

16    A.     No.

17    Q.     It's not much of a pop for you, is it?

18    A.     Well, it's an hour.

19    Q.     Is it an hour?

20    A.     An hour and a half.

21    Q.     Okay.

22                  And he specifically mentions

23    Representative Warren, Representative Mills, and,

24    of course, Representative Davis himself.

25                  Do you recall ever discussing those

1 folks with Mr. Womack?

2 A. No.

3 Q. Do you --

4 A. Oh, wait. Ever discussing what?

5 Q. Those folks.

6 A. I think I've heard him talk about --

7 he's talked about Representative Grey Mills. I

8 think he was chairman of the Elections Committee

9 but I'm not certain about that.

10 I don't know him. I've never met with  
11 any of these people.

12 Q. Okay.

13 A. Other than Mr. Womack.

14 Q. I got it.

15 And there's also a mention here of a  
16 "suite of proposed statutory changes we have  
17 submitted."

18 Do you know who "we" is there?

19 A. NCEIT.

20 Q. NCEIT. And he doesn't say NCEIT, he  
21 says "Cleta Mitchell and I." So I wondered --

22 A. He says: (Reading)

23 Cleta Mitchell and I will

24 be -- would welcome the opportunity to

25 come meet with you.

1 Q. Okay. (Reading)  
2 About the suite of proposed  
3 statutory changes we have submitted.  
4 So that's why I was curious about the  
5 "we."  
6

7 A. Well, I think the "we" is NCEIT because  
8 there was a group of people at NCEIT that worked  
9 very hard on whatever they were going to propose to  
the legislature.

10 Q. And were you involved in that at all?  
11 A. No.  
12 Q. Do you know why he would have  
13 volunteered you?

14 A. A lot of states do that.  
15 Q. I'm sorry, what do you mean by that?  
16 A. He would have volunteered me because I  
17 live in North Carolina. And if he had asked me to  
18 attend, I probably would have, but -- if I could,  
19 but I didn't. He didn't ask, and I didn't go.

20 Q. In the fourth paragraph, it begins:  
21 (Reading)

22 We applaud the House  
23 initiatives to limit the length of the  
24 early voting period to compel same-day  
25 registrants to use a provisional

1                   ballot and to require delivery of  
2                   mail-in ballots by the end of the  
3                   election day.

4                   I want to make particular reference to  
5                   "to compel same-day registrants to use a  
6                   provisional ballot."

7                   A.       Uh-huh, yes.

8                   Q.       Were you involved at all in any House  
9                   initiatives to compel same-day registrants to use a  
10                  provisional ballot?

11                  A.       I was not.

12                  Q.       Do you know who he's referring to here?

13                  A.       NCEIT. I presume that.

14                  Q.       I was just going to ask you, do you  
15                  know or is that an assumption?

16                  A.       That's just an assumption.

17                  Q.       Okay.

18                  A.       It wasn't me.

19                  Q.       Do you know if he -- did he run any of  
20                  those initiatives by you?

21                  A.       No.

22                  Q.       Did you discuss them with him  
23                  generally?

24                  A.       He sent me a PowerPoint that he had  
25                  prepared at some point. I said, "This is great,"

1 Q. And everything from that down, that's  
2 from WRAL.

3 A. Well, that makes sense because I see  
4 these ugly comments about -- although here is an  
5 actual. (Reading)

6 It's unclear how much  
7 Mitchell -- how much influence  
8 Mitchell and others have had in  
9 helping craft language of the expected  
10 proposal. Hall said he's never met  
11 with her.

12 True statement.

13 Q. Okay. (Reading)

14 But a top Republican in the  
15 other chamber -- according to the next  
16 sentence -- Senator Ralph Hise, said  
17 she's one of the many people he's  
18 talked to about the bill.

19 A. Okay. If he was at that meeting,  
20 that's it.

21 Q. Okay.

22 A. That's my only meeting on this bill or  
23 any of these. I don't even know if it was on this  
24 bill that is the subject matter of your litigation.

25 Q. I get it. I'm just telling you what --

1 A. Well, I'm just saying, I had one  
2 meeting, and that was it.

3 Q. Sometimes people can talk other than in  
4 meetings, Ms. Mitchell, and that's why I'm saying,  
5 Senator Hise says you're one of the many people.

6 A. She is -- I am one of many people he  
7 has talked to.

8 Q. Yes. "He," Senator Hise.

9 A. Correct.

10 Q. So that's why I was trying to determine  
11 whether you've ever spoken to Senator Hise.

12 A. If he was in the meeting that day,  
13 which I think maybe he was, I'm not really sure,  
14 but I think maybe he was, then, yes, I would be one  
15 of the people he talked to because he and I would  
16 have been in that meeting. But that was it for me.

17 Q. Okay. So if you go to the next page,  
18 there's another quotation from Mr. Hise under-  
19 Senator Hise under "What could be in the bill."

20 Do you see that?

21 A. I do.

22 Q. (Reading)

23 Hise said that while he has  
24 been working with Womack and Mitchell  
25 on the bill, he and other GOP leaders

1 have met with plenty of others as  
2 well.

3 A. Where are you reading from?

4 Q. Do you see where it says "What could be  
5 in the bill"? About a third of the way down.

6 A. Okay.

7 Q. The first sentence says: (Reading)  
8 Hise said that while he has  
9 been working with Womack and Mitchell  
10 on the bill, he and other GOP leaders  
11 have met with plenty of others as  
12 well.

13 Do you see that?

14 A. I do, but they're not quoting him.

15 Q. I don't know --

16 A. They're not -- he didn't say -- that is  
17 not in quotes. He said, "I've talked to them."

18 Q. So I'm just reading this sentence --

19 A. I understand that, but there's a big  
20 difference between some WRAL reporter  
21 characterizing or mischaracterizing what he said  
22 and the quote where he actually said, "I've talked  
23 to them." I presume that Jim Womack talked to him  
24 many times. If he was in the meeting, and I think  
25 maybe he was, I talked to him once.

1 Q. So one of the things that I wanted to  
2 confirm with you is he's -- it is attributed to him  
3 to have said, whether in quotes or not, that he has  
4 been working with Womack and Mitchell on the bill.

5 Are you denying --

6 A. I am --

7 Q. Let me finish the question.

8 Are you denying that you worked with  
9 Senator Hise on the bill?

10 A. My definition of "working with" someone  
11 would be more than having one meeting. It would be  
12 actually more than one meeting, exchanging  
13 information on more than one occasion, all those  
14 kinds of things. That is what I would define as  
15 "working with." I did not work with any legislator  
16 on Senate Bill 747.

17 Q. And do you know whether any of your  
18 materials were either invoked or provided to  
19 legislative leaders in North Carolina in support of  
20 the work on 747?

21 A. I have no idea.

22 Q. Okay.

23 MR. DOCKTERMAN: If you give us  
24 two minutes, Tyler.

25 MR. BROOKS: Sure.

1 STATE OF NORTH CAROLINA

2 COUNTY OF DAVIDSON

3

4 C E R T I F I C A T E

5 I, Amy A. Brauser, Registered Merit

6 Reporter/Certified Realtime Reporter, the officer

7 before whom the foregoing deposition was taken, do

8 hereby certify that the witness was duly sworn by me

9 prior to the taking of the foregoing deposition; that

10 the testimony of said witness was taken by me to the

11 best of my ability and thereafter reduced to

12 typewriting under my direction; that I am neither

13 counsel for, related to, nor employed by any of the

14 parties to the action in which this deposition was

15 taken, and further that I am not a relative or employee

16 of any attorney or counsel employed by the parties

17 thereto, nor financially or otherwise interested in the

18 outcome of the action.

19

20 This is the 27th day of September, 2024.

21

22

23 \_\_\_\_\_  
Amy A. Brauser, RPR RMR CRR

24 Notary Public # 20023030055

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